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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,118	06/25/2003	Amine M. Hajji	SJO920020150US1	3700

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EXAMINER

RIAD, AMINE

ART UNIT PAPER NUMBER

2113

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,118

Applicant(s)

HAJJI ET AL.

Examiner

Amine Riad

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-28 is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers



- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

Claims 1-28 have been presented for examination.

Claims 1-16 have been rejected.

Claims 17-28 have been allowed.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-16 are not limited to tangible embodiments. In view of applicant's disclosure, specification page 4, paragraph 31, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiment for example [DVD-R, DVD+R, hard drive, memory] and intangible embodiments for example [digital and/or analog communication links, which may be electrical, optical, and/or wireless]. As such, the claim is not limited to statutory subject matter and is therefore non-statutory.

Reasons for Allowance

Claims 17-28 are allowed.

The following is an examiner's statement of reasons for allowance:

After a complete search of all the relevant prior art, the examiner has determined the claims are in condition for allowance. The following limitations when viewed in combination with the remainder of the claims as whole place this application in condition for allowance.

Regarding claim 17,

The examiner finds the novel and non obvious feature of claim, when read as whole to be commencing writing reconstructed data on each of a plurality of spare storage devices, without verifying that the reconstructed data is successfully written; finishing writing the reconstructed data on at least one of the spare storage devices; beginning validating that the reconstructed data was successfully written, on each of the spare storage devices on which writing of the reconstructed data was finished

Regarding claim 21,

The examiner finds the novel and non obvious feature of claim, when read as whole to be writing reconstructed data simultaneously on each of a plurality of spare storage devices without verifying that the reconstructed data is successfully written on the plurality of spare storage devices; finishing writing the reconstructed data on at least one of the spare storage devices; beginning validating that the reconstructed data was successfully written.

Regarding claim 24,

The examiner finds the novel and non obvious feature of claim, when read as whole to be means for commencing writing reconstructed data on each of a plurality of spare storage devices, wherein the reconstructed data is written on the plurality of spare storage devices without verifying that the reconstructed data is successfully written; means for finishing writing the reconstructed data on at least one of the spare storage devices; means for beginning validating that the reconstructed data was successfully written on each of the spare storage devices on which writing of the reconstructed data is finished.

Regarding claim 25,

The examiner finds the novel and non obvious feature of claim, when read as whole to be commencing writing reconstructed data on each of a plurality of spare storage devices, wherein the reconstructed data is written on the plurality of spare storage devices without verifying that the reconstructed data is successfully written; finishing writing the reconstructed data on at least one of the spare storage devices; beginning validating that the reconstructed data was successfully written on each of the spare storage devices on which writing of the reconstructed data is finished.


Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amine Riad whose telephone number is 571-272-8185.

The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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